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United States of America

6 IN THE UNITED STATES DISTRICT COURT

7 EASTERN DISTRICT OF CALIFORNIA

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 JUAN BANDA,
12 ARTHUR GARCIA

CASE NO. 1:23-CR-00106-NODJ-BAM

13 Defendants.

14

15 IT IS HEREBY STIPULATED by and between Phillip A. Talbert, United States Attorney and
16 Robert L. Veneman-Hughes, Assistant U.S. Attorney and Griffes Estes, attorney for defendant Juan BANDA
17 and Darryl Young, attorney for defendant Arthur GARCIA, that the status conference set for December 13,
18 2023 at 1:00 pm before the Honorable Barbara A. McAuliffe be continued to January 10, 2024 at 1:00 p.m.

19

20 **STIPULATION**

21 Plaintiff United States of America, by and through its counsel of record, and defendants, by and
22 through defendants' counsel of record, hereby stipulate as follows:

23 1. The parties need additional time to further investigate/explore matters related to resolving
the case or setting a trial date.

24 2. By this stipulation, defendants now moves to continue the status conference, and to
exclude time from December 13, 2023 to January 10, 2024.

25 3. The parties agree and stipulate, and request that the Court find the following:
a) The government has represented that the discovery associated with this case
26 includes investigative reports, and related documents, photographs, etc., in electronic form. All
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1 of this discovery has been either produced directly to counsel and/or made available for
2 inspection and copying. Defense would like additional time to review discovery, and investigate
3 the foundation for a resolution by plea or trial further.

4 b) The government does not object to the continuance.

5 c) An ends-of-justice delay is particularly apt in this case because:

- 6 • Defendant needs additional time to review discovery, and conduct additional
7 investigation; and
- 8 • The parties need additional time to investigate/explore matters related to
9 proceeding via plea or trial.

10 d) Based on the above-stated findings, the ends of justice served by continuing the
11 case as requested outweigh the interest of the public and the defendant in a trial within the
12 original date prescribed by the Speedy Trial Act.

13 e) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
14 et seq., within which trial must commence, the time period of December 13, 2023 to January 10,
15 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv)
16 because it results from a continuance granted by the Court at defendants' request on the basis of
17 the Court's finding that the ends of justice served by taking such action outweigh the best interest
18 of the public and the defendants in a speedy trial.

19
20 [Remainder of page intentionally left blank.]

1 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
2 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
3 must commence.

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5 Dated: December 6, 2023

6 Respectfully submitted,
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8 PHILLIP A. TALBERT
9 United States Attorney

10 By /s/ Robert L. Veneman-Hughes
11 ROBERT L. VENEMAN-HUGHES
12 Assistant United States Attorney

13 Dated: December 6, 2023

14 /s/ Griffin Estes
15 GRIFFIN ESTES
16 Attorney for Defendant Juan BANDA

17 Dated: December 6, 2023

18 /s/ Darryl Young
19 DARRYL YOUNG
20 Attorney for Defendant Arthur GARCIA

21 **ORDER**

22 IT IS SO ORDERED that the status conference is continued from December 13, 2023, to **January
23 10, 2024, at 1:00 p.m. in Courtroom 8 before Magistrate Judge Barbara A. McAuliffe**. Time is
24 excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

25 IT IS SO ORDERED.

26 Dated: December 6, 2023

27 /s/ Barbara A. McAuliffe
28 UNITED STATES MAGISTRATE JUDGE